

Rebecca K. Smith
PUBLIC INTEREST DEFENSE CENTER, PC
P.O. Box 7584
Missoula, MT 59807
(406) 531-8133
publicdefense@gmail.com

Timothy M. Bechtold
BECHTOLD LAW FIRM, PLLC
P.O. Box 7051
Missoula, MT 59807
(406) 721-1435
tim@bechtoldlaw.net

Kristine Akland
AKLAND LAW FIRM, PLLC
PO Box 7274
Missoula, MT 59807
(406) 544-9863
aklandlawfirm@gmail.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

ALLIANCE FOR THE WILD
ROCKIES, NATIVE ECOSYSTEMS
COUNCIL.

Plaintiffs,

vs.

LEANNE MARTEN, Regional Forester
of Region One of the U.S. Forest
Service, and UNITED STATES
FOREST SERVICE, an agency of the
U.S. Department of Agriculture,

Defendants.

CV-17-21-M-DLC

**UNOPPOSED MOTION
TO DISMISS**

Pursuant to F.R.Civ.P. 12(b)(1), Plaintiffs here by move the Court for dismissal of this action and for dissolution of the preliminary injunction (Doc. 19) for lack of subject matter jurisdiction. This Court issued an order vacating and remanding the record of decision authorizing the disputed agency action herein (Doc. 50). Therefore, no “final agency action” supports judicial review under the Administrative Procedures Act and there is no live case or controversy. Thus, this matter must be dismissed. Defendants have indicated that they do not oppose this motion.

Respectfully submitted this 21st Day of June, 2018.

/s/ Kristine M. Akland
Kristine M. Akland
AKLAND LAW FIRM PLLC

Rebecca K. Smith
PUBLIC INTEREST DEFENSE CENTER, PC

Timothy M. Bechtold
BECHTOLD LAW FIRM, PLLC

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that counsel for Defendants, Mark Steger Smith and Melissa A. Hornbein, were served via email and/or ECF.

/s/ Kristine M. Akland
Kristine M. Akland
AKLAND LAW FIRM PLLC

Rebecca K. Smith
PUBLIC INTEREST DEFENSE CENTER, PC

Timothy M. Bechtold
BECHTOLD LAW FIRM, PLLC

Attorneys for Plaintiffs